

## MEMORANDUM REGARDING INVOLUNTARY PETITION

This form has been designed in a box format similar to that of Form 1. See Instruction notes to Form 1.

The allegations required under § 303 are grouped together, and a separate section has been provided for additional allegations based upon the prohibitions and requirements set forth in Rule 1003(a) concerning transfer of claims by petitioning creditors. Petitioners may wish to supplement the allegations set forth in the form with a further statement of facts. Additional information concerning any allegation can be requested by the debtor as part of the discovery process.

Each petitioning creditor, by signing on the line provided, signs both the petition and the unsworn declaration which 28 U.S.C. § 1746 permits instead of verification. The addresses as well as the names of individuals signing the petition in a representative capacity are required, together with disclosure of which petitioner is represented by each signatory.

This form is intended to be used in every involuntary case including that of a partnership. Pursuant to § 303 (b)(3)(A) of the Code, a petition by fewer than all of the general partners seeking an order for relief with respect to the partnership is treated as an involuntary petition. Such a petition is adversarial in character because not all of the partners are joining in the petition.

Section 303 (b)(3)(B) permits a petition against the partnership if relief has been ordered under the Code with respect to all of the general partners. In that event, the petition may be filed by a general partner, a trustee of a general partner's estate, or a creditor of the partnership. This form may be adapted for use in that type of case.

28 U.S.C. § 1408 (1) specifies the proper venue alternatives for all persons, including partnerships, as domicile, residence, principal place of business, or location of principal assets. Venue also may be based on a pending case commenced by an affiliate, general partner, or partnership pursuant to 28 U.S.C. § 1408 (2). Both options are set forth in the block labeled "Venue."

28 U.S.C. § 1746 permits the unsworn declaration instead of a verification.



Name of Debtor \_\_\_\_\_

Case No. \_\_\_\_\_

(Court use only)

**TRANSFER OF CLAIM**

Check this box if there has been a transfer of any claim against the debtor by or to any petitioner. Attach all documents evidencing the transfer and any statements that are required under Bankruptcy Rule 1003(a).

**REQUEST FOR RELIEF**

Petitioner(s) request that an order for relief be entered against the debtor under the chapter of Title 11, United States Code, specified in this petition.

Petitioner(s) declare under penalty of perjury that the foregoing is true and correct to the best of their knowledge, information, and belief.

X \_\_\_\_\_

Signature of Petitioner or Representative (State title)

\_\_\_\_\_  
Name of Petitioner

Name & Mailing Address \_\_\_\_\_  
of Individual Signing in  
Representative Capacity \_\_\_\_\_

X \_\_\_\_\_

Signature of Attorney

\_\_\_\_\_  
Name of Attorney Firm (if any)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone No.

X \_\_\_\_\_

Signature of Petitioner or Representative (State title)

\_\_\_\_\_  
Name of Petitioner

Name & Mailing Address \_\_\_\_\_  
of Individual Signing in  
Representative Capacity \_\_\_\_\_

X \_\_\_\_\_

Signature of Attorney

\_\_\_\_\_  
Name of Attorney Firm (if any)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone No.

X \_\_\_\_\_

Signature of Petitioner or Representative (State title)

\_\_\_\_\_  
Name of Petitioner

Name & Mailing Address \_\_\_\_\_  
of Individual Signing in  
Representative Capacity \_\_\_\_\_

X \_\_\_\_\_

Signature of Attorney

\_\_\_\_\_  
Name of Attorney Firm (if any)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone No.

**PETITIONING CREDITORS**

Name and Address of Petitioner	Nature of Claim	Amount of Claim
Name and Address of Petitioner	Nature of Claim	Amount of Claim
Name and Address of Petitioner	Nature of Claim	Amount of Claim
Note: If there are more than three petitioners, attach additional sheets with the statement under penalty of perjury, petitioner(s) signatures under the statement and the name(s) of attorney(s) and petitioning creditor information in the format above.		Total Amount of Petitioners' Claims